

110TH CONGRESS  
2D SESSION

# H. R. 7168

To amend title 10, United States Code, to require defense contractors to disclose certain information regarding former Department of Defense officials, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2008

Ms. SLAUGHTER introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title 10, United States Code, to require defense contractors to disclose certain information regarding former Department of Defense officials, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fairness and Account-  
5 ability in Defense Contracting Act”.

1 **SEC. 2. REQUIREMENTS FOR DEFENSE CONTRACTORS RE-**  
2 **LATING TO CERTAIN FORMER DEPARTMENT**  
3 **OF DEFENSE OFFICIALS.**

4 (a) REQUIREMENTS.—

5 (1) IN GENERAL.—Chapter 141 of title 10,  
6 United States Code, is amended by adding at the  
7 end the following new section:

8 **“§ 2410r. Defense contractors: requirements con-**  
9 **cerning former Department of Defense of-**  
10 **ficials**

11 “(a) REQUIREMENT FOR WRITTEN STATEMENT FOR  
12 BIDS AND PROPOSALS FOR COVERED CONTRACTS.—Each  
13 solicitation of offers by the Department of Defense for a  
14 covered contract shall include a requirement that the of-  
15 feror include with the bid or proposal for the contract a  
16 written statement setting forth the information required  
17 by subsection (c).

18 “(b) REQUIREMENT FOR REPORT FOR COVERED  
19 CONTRACTS.—Each covered contract that is entered into  
20 by the Department of Defense shall include a provision  
21 under which the contractor agrees to submit to the Sec-  
22 retary of Defense, not later than April 1 of each year such  
23 contract is in effect, a written report setting forth the in-  
24 formation required by subsection (c).

1 “(c) INFORMATION.—A written statement by an of-  
2 feror under subsection (a), and a report by a contractor  
3 under subsection (b), shall—

4 “(1) list the name of each person who—

5 “(A) is a former officer or employee of the  
6 Department of Defense or a former or retired  
7 member of the armed forces; and

8 “(B) during the preceding calendar year  
9 was provided compensation by the offeror or  
10 contractor, if such compensation was first pro-  
11 vided by the offeror or contractor—

12 “(i) not more than five years after  
13 such officer, employee, or member left  
14 service in the Department of Defense; and

15 “(ii) not more than five years before  
16 the date on which the written statement or  
17 report is required to be submitted; and

18 “(2) in the case of each person listed under  
19 paragraph (1)—

20 “(A) identify the agency in which such per-  
21 son was employed or served on active duty dur-  
22 ing the last two years of such person’s service  
23 with the Department of Defense;

24 “(B) state such person’s job title and iden-  
25 tify each major defense system, if any, on which

1           such person performed any work with the De-  
2           partment of Defense during the last two years  
3           of such person’s service with the Department;  
4           and

5           “(C) state such person’s current job title  
6           with the offeror or contractor and identify each  
7           major defense system on which such person has  
8           performed any work on behalf of the offeror or  
9           contractor.

10          “(d) COVERED CONTRACT.—In this section, the term  
11   ‘covered contract’ means a contract for the procurement  
12   of goods or services in excess of \$1,000,000, other than  
13   a contract for the procurement of commercial items.

14          “(e) REPORT BY SECRETARY OF DEFENSE.—The  
15   Secretary of Defense shall submit an annual report to the  
16   congressional defense committees containing a summary  
17   of the written statements received by offerors pursuant to  
18   subsection (a), and the reports received by contractors  
19   pursuant to subsection (b), during the year covered by the  
20   report.”.

21          (2) CLERICAL AMENDMENT.—The table of sec-  
22   tions at the beginning of chapter 141 of such title  
23   is amended by adding at the end the following new  
24   item:

“2410r. Defense contractors: requirements concerning former Department of  
Defense officials.”.

1 (b) APPLICABILITY.—

2 (1) BIDS AND PROPOSALS.—Section 2410r(a)  
3 of title 10, United States Code, as added by sub-  
4 section (a), shall apply with respect to bids or pro-  
5 posals submitted on or after the date occurring 180  
6 days after the date of the enactment of this Act.

7 (2) CONTRACTS.—Section 2410r(b) of such  
8 title, as added by subsection (a), shall apply with re-  
9 spect to contracts in effect on, or awarded on or  
10 after, the date occurring 180 days after the date of  
11 the enactment of this Act.

12 **SEC. 3. REPORT OF GOVERNMENT ACCOUNTABILITY OF-**  
13 **FICE.**

14 Not later than 60 days after the date of the enact-  
15 ment of this Act, the Comptroller General of the United  
16 States shall prepare and submit to Congress a report on  
17 the implementation and enforcement of section 27 of the  
18 Office of Federal Procurement Policy Act (41 U.S.C.  
19 423).

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